

Remarks.

The Examiner's comments and objections from the Final Action and the cited references have been carefully considered by the Applicant.

Reconsideration of the application as hereby amended is respectfully solicited.

The specification has been amended at page 3, for clarity, as requested by the Examiner. The claims pending in the application are claims 17-25, as filed with the applicant's letter of September 8, 2009, mailed on September 3, 2008 .

A new Declaration, in compliance with 37 CFR 1.67 (a), was enclosed with the previous response of the Applicant, as requested by the Examiner, in which all the data required for the identification of the Italian Application BO2002A000422 of July 2, 2002, from which the present application claims priority under 37 U.S.C. 119 have been duly reported under the chapter **PRIORITY CLAIM**.

In the same chapter, the PCT International Application PCT/IB03/03053 the national stage whereof the present Application 10/519,233 is, has been also properly identified.

The priority of Italian Application BO2002A000422 of July 2, 2002 has been timely and properly claimed in the international stage of the international application PCT/IB03/03053.

The International Bureau has acknowledged on September 3, 2003 receipt of a certified copy of the Priority Document (Exhibit 1) submitted in compliance with Rule 17 (a) or (b) PCT, the full copy whereof is available in the Epoline Database from which the front page (Exhibit 1) has been downloaded.

In addition, a full certified translation into English of the priority document

BO2002A000422, with the filing date of July 2, 2002, is herewith enclosed.

It is noted from the Final Action that claims 17-25, pending in the application, are rejected under 35 U.S.C. 103(a) as being unpatentable over European Publication 1 243 520 (EP '520).

Reference EP 1 243 520 A1 was first rendered available to the public through publication (A1) by the European Patent Office on **September 25, 2002**, i.e. later than the priority date of July 2, 2002 duly claimed for the present application, and was not filed in the United States before the invention claimed by the applicant.

Please note, in this respect, Exhibit 2 (A status and family report from the Inpadoc Database) reports no filing in the United States for EP 1 243 520 A1.

It is believed therefore that EP 1 243 520 A1 cannot qualify as prior reference under 35 U.S.C. 102 and/ or 103.

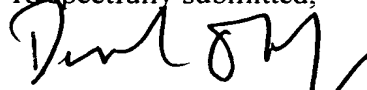
Accordingly, it is respectfully solicited that the Final Rejection under 35 U.S.C. 103(a) over the disclosures of European Publication 1 243 520 (EP '520) be withdrawn and the claims pending in the application be allowed for grant.

Favorable action is respectfully solicited.

While it is believed that the amended claims properly and clearly define the present invention, applicant would be open to any suggestion or amendment the Examiner may have or propose concerning different claim phraseology which, in the Examiner's opinion, more accurately defines the present invention.

Application/Control Number: 10/519,233
Art Unit: 3724
July 16, 2009
Page 10

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Daniel O'Byrne', written over the text 'Respectfully submitted,'.

Daniel O'Byrne (Reg. No. 36,625)

Agent for the Applicant

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*** It is now 2009/07/16 12:31:44 ***
(Dialog time 2009/07/16 05:31:44)

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Notice = \$0.01

EXHIBIT 2
(2 pages)

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\$0.00 Estimated cost File415
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File 345:Inpadoc/Fam.& Legal Stat 1968-2009/UD=200927
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*File 345: EPO Simple Family Data now available. For more
information, see HELP NEWS 345.

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DIALOG(R)File 345: Inpadoc/Fam.& Legal Stat
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50005746 Family ID: 20005747

Patent Basic (No,Kind,Date): EP 1243520 A1 20020925

Method and device for working on a threaded cap (English)
Procede et appareil pour traiter un bouchon a vis (French)
Verfahren und Vorrichtung zum Bearbeiten einer Verschlusskapsel (German)

Patent Assignee: OBERBURG ENGINEERING AG (CH)
Author (Inventor): LUEDI THOMAS (CH)
Record Type: Legal Status; Abstract; Cited Refs

Patent Family:

Patent No	Kd Date	Applic No	Kd Date	Wk Added
EP 1243520	A1 20020925	EP 2001810273	A	20010319 200238 (B)

Priority Data (No,Kind,Date):

EP 2001810273	A	20010319
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***** EUROPEAN PATENT OFFICE (EP) *****

EUROPEAN PATENT OFFICE (EP) PATENT(S):

Patent (No,Kind,Date): EP 1243520 A1 20020925

Method and device for working on a threaded cap (English)

Procédé et appareil pour traiter un bouchon à vis (French)
Verfahren und Vorrichtung zum Bearbeiten einer Verschlusskapsel
(German)

Patent Assignee: OBERBURG ENGINEERING AG (CH)

Author (Inventor): LUEDI THOMAS (CH)

Priority (No,Kind,Date): EP 2001810273 A 20010319

Applic (No,Kind,Date): EP 2001810273 A 20010319

Designated States:

C: AT BE CH CY DE DK ES FI FR GB GR IE IT LI LU MC NL PT SE TR

ECLA: B26F-001/18; B29C-057/12; B29C-059/02B; B65D-041/34C1;
L29C-435:02

IPC + Level Value Position Status Version Action Source Office

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v. 7 : B26F-001/18

v. 7 : B29C-069/02

v. 8 adv : B26F-0001/18 A I R 20060101 20051008 M EP

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v. 8 adv : B29C-0059/02 A I R 20060101 20051008 M EP

v. 8 adv : B65D-0041/34 A I R 20060101 20051008 M EP

v. 8 core: B26F-0001/00 C I R 20060101 20051008 M EP

v. 8 core: B29C-0057/00 C I R 20060101 20051008 M EP

v. 8 core: B29C-0059/02 C I R 20060101 20051008 M EP

v. 8 core: B65D-0041/34 C I R 20060101 20051008 M EP

Date of Availability: 20020925 Examined printed without grant

Language of Document: English; French; German

Update Week: 200737 (First Week Added: 200238)

EUROPEAN PATENT OFFICE (EP) LEGAL STATUS:

Legal Status (Patent No,Kind,Gazette Date,Code,Text):

EP 1243520 A1 20020925 EP AX (+) EXTENSION OF THE EUROPEAN PATENT
TO (ERSTRECKUNG DES EUROPÄISCHEN PATENTS
AUF)

Last Revised by EPO: 20030101

Notes: AL;LT;LV;MK;RO;SI

Update Week: Backfile

EP 1243520 A1 20020925 EP AK (+) DESIGNATED CONTRACTING STATES:
(BENANNTE VERTRAGSSTAATEN)

Designated States: AT BE CH CY DE DK ES FI
FR GB GR IE IT LI LU MC NL PT SE TR

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EP 1243520 A1 20030611 EP AKX (+) PAYMENT OF DESIGNATION FEES
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EP 1243520 A1 20030717 EP REG/DE 8566 REFERENCE TO A NATIONAL
CODE (HINWEIS AUF NATIONALEN KODE)

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EP 1243520 A1 20040107 EP 18D (-) DEEMED TO BE WITHDRAWN (ALS
ZURUECKGENOMMEN GELTEN)

Effective Date: 20030920

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